

**Minutes of the Twenty-Third Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, November 24, 2008**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 24, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the stipend for Santa Claus services represented in the Works Board Order No. 2008-31.
3. The Town Council discussed the lawsuit settlement with Craig Barnes as represented in the **Works Board Order No. 2008-32.**
4. The Town Council and the Fire Chief discussed his negotiation leading to the acquisition of a Fire Brush Truck, being marketed by a municipal department in South Carolina through a broker. The Fire Chief suggested a unique opportunity for savings in purchasing this vehicle. The Fire Chief reported that the price may be \$70,000.
5. Councilor Vassar reported his desire to amend the agenda and introduce an ordinance to reverse the just adopted Ordinance No. 1406. Councilor Vassar indicated that he reconsidered the matter following information received from the redevelopment director and the several residents who contacted him.
6. Laurel Roach of the Community Events Commission reported to the Town Council that Patty Dunham had resigned from the CEC. Ms. Roach suggested that there was a need to contact all local organizations such as the Chamber of Commerce and the Historical Society to participate in planning for the 100th Anniversary of the Town of Highland's Incorporation , April 4, 2010.

The study session ended at 7:00 O'clock p.m.

Regular Meeting. The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 24, 2008 at 7:04 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Mark A. Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Attorney at Law; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director.

Karen Ziants, Lisa Gauthier and Laurel Roach of the Community Events Commission; Mark Roorda of the Town Board of Metropolitan Police Commissioners were present.

Shawn Pettit of Lamar Advertising, Inc., was also present.

Minutes of the Previous Sessions

The minutes of the regular meeting of November 10, 2008 and the Special Meeting of November 17, 2008 were approved by general consent.

Unfinished Business and General Orders:

1. **Works Board Order No. 2008-30:** An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and LAMAR Advertising Company, as Licensee, and approving a reasonable license fee. This matter was delayed by general consent of the Town Council at its meeting of November 10, 2008.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2008-30. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland ORDER of the WORKS BOARD NO. 2008-30

An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and LAMAR Advertising Company, as Licensee, and approving a reasonable license fee.

WHEREAS, THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, a municipal corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is particularly described in an exhibit attached to this order;

WHEREAS, THE LAMAR ADVERTISING COMPANY, a private corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensee) desires to obtain a license to permit the construction and operation of an electronic commercial billboard advertising structure and all other appurtenances on premises of the Licensor as particularly described herein;

WHEREAS, IC 36-8-2-10 provides that a municipality may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, IC 36-8-2-11 provides that a municipality may regulate solicitation by persons offering goods or services to the public;

WHEREAS, IC 36-7-2-2 provides that a municipality may regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements; and

WHEREAS, The Licensor wishes to grant to the Licensee, a license agreement for the construction and operation of an electronic commercial billboard advertising structure and all other appurtenances on premises of the Licensor as particularly described herein;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Highland Town Council, Lake County, Indiana as follows:

Section 1. That the **ATTACHED LICENSE AGREEMENT**, presented by LAMAR ADVERTISING COMPANY, INC., as licensee, to permit the construction and operation of an electronic commercial billboard advertising structure and

all other appurtenances on premises of the Licensor as particularly described herein is hereby approved in each and very respect;

Section 2. That the **TERM OF THE LICENSE SHALL BE** for a period of fifteen years, and that the licensee initially shall pay *an annual* license fee to the Licensor in the amount of fifteen thousand dollars (\$15,000), escalating over time, as provided in the terms of the license agreement;

Section 3. That the Town Council hereby finds and determines that the license fee herein approved is reasonably related to the administrative cost of exercising the regulatory power associated with the licensed activity, pursuant to IC 36-1-3-8(a)(5);

Section 4. That the Town Council President be hereby authorized to execute the License Agreement by his signature as thereto attested by the Clerk-Treasurer.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10th day of November 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 2. Enactment No. 2008-49:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2008-49. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being needed, there were five affirmatives and no negatives. The motion passed. The enactment was open for consideration.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2008-49. Councilor Novak seconded. Upon a roll call vote, a two-third vote being needed, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

**TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2008-49**

An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the Federal Government, particularly represented on Clerk-Treasurer's receipt number 009808, in the amount of \$14,289.99 as reimbursement in support of a particular grant funded project;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That for the expenses of said municipality related to the acquisition of e-ticketing equipment hardware and software for the *Metropolitan Police Department*, the following additional sums of money, received as a

grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named and for the sole purpose of repairing or replacing the damaged property:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #230.08 Police E-Citation Equip.	\$ 14,289.99
Total 200 Series Increases	\$ 14,289.99

Total of All Fund Decreases:	\$ 14,289.99
Total of All Fund Increases:	\$ 14,289.99

Section 2. That once the appropriation approved, the Clerk-Treasurer is authorized to transfer from the appropriation account the entire amount and enter it to the credit of Account # 210.01 Gasoline.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 24th day of November, 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 24th Day of November 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2008-31:** An Order Authorizing, Approving and Ratifying the Payment of Elective Honoraria or Stipends to the Santa Claus in the Annual Highland Christmas Parade.

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-31. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2008-31**

AN ORDER AUTHORIZING, APPROVING AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SANTA CLAUS IN THE ANNUAL HIGHLAND CHRISTMAS PARADE.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 *et seq.*,

Whereas, The Highland Community Events Commission, did organize and marshal the annual Christmas Parade; and

Whereas, The Highland Community Events Commission did arrange for the end of the parade to bring participants to meet with Santa Claus;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to Santa Claus;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town;

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Santa Claus which participated in the most recent **Christmas Parade**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of his participation, in the amount of Four Hundred Dollars (\$400) each;

Section 2. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare an accounts payable voucher against the appropriate fund and account for the benefit of _____, which participated as indicated in the most recent **Christmas Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein named, and to take such other measures to carry-out the purposes and objects of this order.

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24th day of November 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2008-50:** A Resolution Approving an Interlocal Cooperation Agreement for the Purchase and Utilization of Construction, Reconstruction and Improvement Services for Mutual Benefit on the Kennedy Avenue Reconstruction

Project by and between the Town Council, the Board of Sanitary Commissioners and the Board of Waterworks Directors, all of the Town of Highland.

Councilor Herak moved the passage and adoption of Resolution No. 2008-50. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
TOWN COUNCIL
RESOLUTION NO. 2008-50

A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF CONSTRUCTION SERVICES FOR MUTUAL BENEFIT FOR KENNEDY AVENUE RECONSTRUCTION PROJECT

WHEREAS, The Town of Highland, Lake County, Indiana, has reviewed the needs and requirements of its various Departments and particularly, regarding the providing of services to residents of the Town; and,

WHEREAS, The Town of Highland, Lake County, Indiana, has been advised that the provisions of Indiana 36-1-7-1 *et seq.*, as amended from time to time, permit political subdivisions and entities to make the most efficient use of their powers by enabling political subdivisions to mutually purchase and utilize equipment, supplies and services for the mutual benefit of the participating governmental entities; and,

WHEREAS, The Town of Highland, Lake County, Indiana, is a Municipal Corporation empowered by the terms and provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units for the purchase and utilization of equipment, supplies and services; and,

Whereas, The Town of Highland, its Department of Public Sanitation organized pursuant to IC 36-9-25 *et seq.*, and its Department of Waterworks, organized pursuant to IC 8-1.5-4 *et seq.*, Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, Town of Highland, through its Town Council, its Department of Public Sanitation, through the Board of Sanitary Commissioners, and its Department of Waterworks, through the Board of Directors each seek to enter into an agreement constructed pursuant to IC. 36-1-7-1, *et seq.*, to provide for the ability and flexibility to purchase and utilization of supplies, re-construction and improvement services, and administrative economy for the mutual benefit of the participating entities, and at a shared cost; and

Whereas, Town of Highland, through its Town Council, has determined that entry into a joint agreement with its Department of Public Sanitation, through the Board of Sanitary Commissioners, and its Department of Waterworks, through the Board of Directors, for the purchase and utilization of supplies, equipment and services for the participating governmental units is in the best interests of the residents of the Town of Highland, and therefore, has determined that it is advisable to enter into and become a participating unit under such an agreement pursuant to applicable provisions of State Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:

Section One: That the Town Council of the Town of Highland, Lake County, Indiana, shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with its Departments of Public Sanitation (Sanitary District) and Waterworks (Waterworks District) in order to purchase and utilize supplies, equipment and services for the mutual benefit of the municipality and the participating political subdivisions, at shared costs for the Kennedy Avenue Reconstruction Project, of between Ridge Road and Little Calumet River.

Section Two: That the President of the Town Council is hereby authorized and permitted to enter into a Joint Interlocal Cooperation Agreement for the purchase and utilization of equipment, supplies and services for the mutual benefit of the political subdivisions herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time; further, the Town Clerk-Treasurer is hereby authorized to attest the execution of said agreement by the President of the Town Council;

Section Three: That a copy of the Interlocal Cooperation agreement between and among Town of Highland and its Departments of Public Sanitation, and Waterworks shall be attached to this Resolution and incorporated herein by reference;

Section Four: That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

DULY PASSED and ADOPTED this 24th Day of November 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND
UTILIZATION OF CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT
SERVICES FOR MUTUAL BENEFIT**

Whereas, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of their powers by enabling them to mutually purchase and utilize equipment, supplies and services for the mutual benefit of each other;and

Whereas, The Town of Highland, its Department of Public Sanitation organized pursuant to IC 36-9-25 et seq., the Department of Waterworks, organized pursuant to IC 8-1.5-4 et seq., and its Department of Public Works organized under IC 36-1-3 et seq.,Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, Town of Highland, through its Department of Public Sanitation, by the Board of Sanitary Commissioners, and through its Department of Waterworks, by the Board of Waterworks Directors, desires to enter into an agreement constructed pursuant to IC. 36-1-7-1, et seq., with Highland's Department of Public Works through the Works Board, to provide for the ability to purchase supplies and re-construction and improvement services for the mutual benefit of the participating entities, and at a shared cost;

Now Therefore, in consideration of the mutual terms, covenants, and conditions set forth herein, the Town of Highland, through its Department of Public Sanitation, by the Board of Sanitary Commissioners, through its Department of Waterworks, by its Board of Waterworks Directors and the Highland Department of Public Works through its Works Board, hereby agree as follows, to wit:

Section 1. **DURATION**. The duration of this agreement shall be from October 15, 2008 through December 31, 2010, provided said agreement is adopted by Resolution by each of the two political subdivisions aforesaid prior to that date, or up to and including December 31, 2008, and may be renewable each calendar year thereafter by agreement of the parties, evidenced by passage of similar resolutions, should the purposes of this agreement or Section 7 herein require it .

Section 2. **PURPOSE.** The purpose of this agreement is to authorize and allow the Redevelopment Department and District, through its Works Board to engage in construction, reconstruction and improvement activities on behalf of the two participating entities for the mutual benefit of the participating entities at a substantial savings for the following services related to the Reconstruction and Improvement Project involving **Kennedy Avenue between Ridge Road and Little Calumet River.**

Section 3. **ADMINISTRATION.** This agreement shall be administered through an *enhanced* entity comprised of the Department of Public Works as governed by its Works Board. The powers of the enhanced entity shall be exercised by the Works Board and shall be construed to include all powers directly granted it under IC 36-9-2 et seq., and those powers permitted under IC. 36-1-7-2 and only those powers outlined in IC 36-9-2, IC 36-9-25 and IC 8-1.5-4 deemed necessary to carryout the Improvement Project described in section 2 of this agreement.

Section 4. **CLERK-TREASURER.** This agreement hereby delegates to the duly elected Clerk-Treasurer of the Town of Highland, the duty to receive, disburse, and account for all moneys of this undertaking pursuant to the terms of this agreement. The Clerk-Treasurer shall perform all usual duties associated with the office and as required by law.

Section 5. **TERMS.** In consideration of the mutual promises contained herein, it is agreed as follows:

(a) The Department of Public Works through its Works Board agrees and shall serve as an *enhanced entity* behalf of the three participating entities. It shall provide administration and supervision over general construction services related to the Reconstruction Improvement Project described herein. As for those portions of the project related to public way reconstruction and resurfacing, water line and storm water sewer installation, the enhanced entity will carry-out administration and supervision over general construction services on behalf of the participating entities, according to specifications outlined in the Project Specifications as drafted and duly approved for the Improvement Project described herein;

(b) The Department of Public Sanitation (Sanitary District), through its Board of Sanitary Commissioners agrees and shall contribute the amount of **Two Hundred Thirteen Thousand, sixty-three Dollars (\$213,063.00)** to the Works Board acting as an enhanced entity, payable from its proper Fund, to be deposited in the Corporation Capital fund, to be payable in equal installments or in a lump sum as the Works Board may direct, not later than **February 28, 2009**;

(c) The Department of Waterworks through its Board of Waterworks Directors agrees and shall contribute the amount of **Two Hundred three thousand, one hundred sixty-seven Dollars (\$203,167)** to the Works Board acting as an enhanced entity, payable from its proper Fund, to be deposited in the Corporation Capital fund, to be payable in equal installments or in a lump sum as the Works Board may direct, not later than **February 28, 2009**;

Section 6. **MEETINGS AND GOVERNING LAW.** In acting as an enhanced entity, the Works Board shall adhere to and comply with all applicable laws governing its action when acting as a Works Board;

Section 7. **TITLE.** Upon satisfactory completion and acceptance of the project, the enhanced entity is dissolved, and those improvements of public way, stormwater and wastewater infrastructure, become property of the municipality.

Section 8. **COUNTERPARTS.** This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

Section 9. **RECORDING.** Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN of HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council also acting as the Works Board

By: _____
Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

Participant Execution Date: _____

5. **Works Board Order No. 2008-32:** AN ORDER of the TOWN COUNCIL AUTHORIZING and APPROVING A RELEASE and SETTLEMENT AGREEMENT, by and between CRAIG A. BARNES, hereinafter referred to as "Barnes" and TOWN OF HIGHLAND, INDIANA.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2008-32. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

HIGHLAND TOWN COUNCIL
Works Board Order No. 2008-32

AN ORDER of the TOWN COUNCIL AUTHORIZING and APPROVING A RELEASE and SETTLEMENT AGREEMENT, by and between CRAIG A. BARNES, hereinafter referred to as "Barnes", and TOWN OF HIGHLAND, INDIANA

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board all pursuant to IC 36-1-2 et seq., and

Whereas, Town of Highland filed a cause of action in the Lake Superior Court, Room No. 2, under cause No. 45D02-0805-CT-121, entitled Town of Highland, Plaintiff v. Craig A. Barnes, Defendant, enforcing the provisions of a reimbursement agreement promulgated under the authority of the Town Board of Metropolitan Police Commissioners in which members of the police department who resign for whatever reason prior to the completion of three years service, shall be reimburse the Town for certain costs;

Whereas, The matters in controversy between the parties have been resolved to the satisfaction of all parties and the parties are desirous of entering into this Release and Settlement Agreement; and

Whereas, The Town Council now desires to conclude and settle the cause of action herein described by adopting and approving the release and settlement agreement as prepared by the Town Attorney,

NOW, THEREFORE, BE IT HEREBY ORDERED by the Town Council, of the Town of Highland, Lake County, Indiana:

Section 1. That the RELEASE and SETTLEMENT AGREEMENT made by and between **CRAIG A. BARNES**, hereinafter referred to as "Barnes", and **TOWN OF HIGHLAND, INDIANA**, hereinafter referred to as "Highland", a copy of which is attached and incorporated herein by reference, is hereby accepted and approved in all respects;

Section 2. That the proper officers of the Town of Highland are hereby authorized to execute the release and settlement agreement approved by this order by affixing their signatures thereto, evidencing its acceptance and approval;

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24th day of November 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2008-51:** A Resolution Authorizing the Deputy Clerk-Treasurer to be an additional Agent to Accept Pension Liability on Behalf of the Town of Highland, pursuant to IC 5-10.2-3-1.

Councilor Herak moved he passage and adoption of Resolution 2008-51. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Resolution No. 2008-51**

A Resolution Authorizing the Deputy Clerk-Treasurer to be an additional Agent to Accept Pension Liability on Behalf of the Town of Highland, pursuant to IC 5-10.2-3-1.

Whereas, The Highland Town Council, on July 12, 1993, did pass Town Council Resolution 93-24 naming the deputy clerk-treasurer at that time to be authorized and fully empowered to act on behalf and in the name of the Town of Highland as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further execute and deliver documents related to the Public Employees' Retirement Fund of Indiana;

Whereas, The named deputy clerk-treasurer at that time has recently retired and named deputy clerk-treasurer emeritus and a successor deputy clerk-treasurer has been named;

Whereas, IC 5-10.3-6-1.5 provides that the Clerk-Treasurer of a City or a Town shall be the authorized agent to act on behalf and in the name of the Town of Highland as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further execute and deliver documents related to the Public Employees' Retirement Fund of Indiana;

Whereas, The Town Clerk-Treasurer has advised that it is desirable that the position of deputy clerk-treasurer continue to be additionally authorized and fully empowered to act on behalf and in the name of the Town of Highland as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further execute and deliver documents related to the Public Employees' Retirement Fund of Indiana,

Now Therefore Be it Resolved by the Town Council of the Town of Highland, as follows:

Section 1. That in addition to the Clerk-Treasurer of the Town of Highland, *Kathleen A. Dowling*, Deputy Clerk-Treasurer of the Town of Highland be, and hereby is, fully authorized and empowered to act on behalf of and in the name of the Town of Highland, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana;

Section 2. That the form resolution provided by the Public Employees' Retirement Fund, and made a part of this resolution, is hereby approved and the proper officers are authorized to authenticate it by their signatures;

Section 3. That authorization set forth in Town Council Resolution No. 93-24 be hereby rescinded from and after the adoption of this resolution;

Section 4. That this resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of PERF.

Duly Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 24th day November 2008. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2008-33:** An Order Ratifying, Approving and Authorizing the Fire Chief to Enter into a Public Works Agreement with Gluth Brothers Roofing, pursuant to IC 36-1-12 et seq.

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-33. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2008-33**

AN ORDER RATIFYING, APPROVING AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A PUBLIC WORKS AGREEMENT WITH GLUTH BROTHERS ROOFING, PURSUANT TO IC 36-1-12 ET SEQ.

Whereas, The Town of Highland Fire Department, as part of its public duties, has responsibility for fire suppression, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies, or contract for public works in order to carryout the functions of the department;

Whereas, The Fire Chief, has advised the Town Council that a repair to the mansard roof at the Central Fire Station is necessary; and

Whereas, The Fire Chief, pursuant to §31.19(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

Whereas, The Purchasing Agent, pursuant to IC 36-1-12-5, expected that the public work project would be less than \$25,000 and invited quotes in accordance with IC 36-1-12-5(i); and

Whereas, Three firms known to work in this area of public works were solicited and the following responses have been received:

Rooftek:	did not respond.
Korelis:	\$ 15,674.00
Gluth Brothers Roofing:	\$ 13,843.00

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(5) of the Highland Municipal Code serves as purchasing agency for the Fire Department;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) and § 31.19(B)(1)(b) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by budgeted account in the Fire Department of the Corporation General Fund and there is sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Fire Chief to complete the public works contract pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines that the quote of *Gluth Brothers Roofing* in the amount of thirteen thousand, eight hundred forty-three dollars and no cents (**\$13,843.00**) is the lowest, most responsible, and responsive quoter, all pursuant to IC 36-1-12 et seq.;

Section 2. That the Fire Chief is hereby directed and authorized to issue a notice to proceed to *Gluth Brothers Roofing* and notify them it has been awarded public works contract for mansard roof repair at the Central Fire Station in the amount of thirteen thousand, eight hundred forty-three dollars and no cents (**\$13,843.00**);

Section 3. That the Fire Chief is hereby authorized to issue a purchase order to *Gluth Brothers Roofing* and to execute all documents necessary to implement the purchase thereof;

Section 4. That the Municipal Fiscal Officer is hereby authorized to expend moneys from the proper account of the Fire Department in the Corporation General Fund in order to support and implement the purchase.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24th day of November 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments from the Town Council Members

NEW BUSINESS:

Amendment of Agenda. Councilor Vassar moved to amend the agenda to take up an ordinance repealing the effects of Ordinance No. 1406. Councilor Novak seconded. Upon a

roll call vote, two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

Introduced Ordinance No. 1416.1406-A: An Ordinance Amending the Highland Municipal Code by Repealing Ordinance No. 1406 Prohibiting the Furnishing and consumption of Alcoholic Beverages in Municipal Buildings, on Municipal realty, and all public ways and easements, and Amending the Municipal Code by Adding a new Chapter entitled *Controlled Events*, all Pursuant to IC 36-1-3, IC 36-1-4, IC 36-8 and IC 36-9 et Seq.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1416.1406-A at the same meeting of introduction. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Vassar moved the passage and adoption of Ordinance No. 1416.1406-A at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and one negative. With Councilors Herak, Vassar, Novak and Zemen voting in the affirmative and Councilor Kuiper voting in the negative, the motion passed. The ordinance was adopted.

**Ordinance No. 1416.1406-A
Of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE AMENDING THE HIGHLAND MUNICIPAL CODE BY REPEALING ORDINANCE NO. 1406 PROHIBITING THE FURNISHING AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN MUNICIPAL BUILDINGS, ON MUNICIPAL REALTY, AND ALL PUBLIC WAYS AND EASEMENTS, AND AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER ENTITLED *CONTROLLED EVENTS*, ALL PURSUANT TO IC 36-1-3, IC 36-1-4, IC 36-8 AND IC 36-9 ET SEQ.

Whereas, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

Whereas, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

Whereas, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

Whereas, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways; and,

Whereas, I.C. 36-8-2-4 A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

Whereas, I.C. 36-8-2-9 A unit may regulate public gatherings;

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with powers previously described as well as the powers granted under IC 36-1-3 et seq.;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Ordinance No. 1406 is hereby repealed in its entirety;

Section 2. That the Highland Municipal Code be amended by adding a new chapter to be entitled **Controlled Events**, which shall read as follows:

CHAPTER 119: CONTROLLED EVENTS

§119.01 DEFINITIONS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGE. This term shall include but not be limited to beer, hard cider, flavored malt beverage, liquor and any beverage defined in I.C. 7.1-1-3-5.

CONTROLLED EVENT. This term shall refer to any festival, gathering, party, activity involving the public as an invitee, or assembly, at which alcoholic beverages may be furnished, bartered, delivered, sold, exchanged, provided, given away or consumed including but not limited to beer tents, and beer gardens, on any public ways, alleys, sidewalks, bump-outs, public landscaping, real property or easements owned or leased by the municipality. *The term shall not include residential block parties that are authorized and approved by proper authority of the Town of Highland, under Section § 71.27; nor shall the term include any activity for which a license to encroach was granted, and an associated agreement to particularly to allow this activity was approved by passage and adoption of Resolution No. 2007-30, on July 9th, 2007 with the agreement being executed August 8th, 2007 so long as the license to encroach remains in force and the terms of the associated agreement are honored.*

§ 119.02 APPROVAL FOR CONTROLLED EVENT.

(A) In addition to any other required permits and permissions, approval shall be obtained from the Town Council when any person or persons desires to conduct a **controlled event**.

(B) Application for permission must be made in writing and filed with the clerk of the legislative body at least sixty (60) days before the desired date of the controlled event. *The Clerk-Treasurer shall be authorized and empowered to develop such application guidance or forms consistent with the administration of this chapter.*

(C) The Town Council must act in a regular or special meeting upon the application, where it may, in its discretion, issue such permit and likewise, in its discretion, may refuse the issuance of a permit.

(D) All applicants who are issued a permit under this chapter shall be required to procure liability insurance coverage in an amount satisfactory to the Town Council that designates the Town of Highland, Indiana as an additional insured for the period of time that the controlled event is being conducted.

(E) It shall be an offense to conduct a controlled event without complying with the provisions of this chapter.

§ 119.03 ADDITIONAL RESTRICTIONS.

No municipal public officer or law enforcement official may sign or offer other approval for any permit issued under IC 7.1-3 et seq. and associated with a controlled event unless and until the controlled event has been approved by the Town Council, pursuant to this chapter.

§ 119.99 PENALTY.

(A) Any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk of the Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$50 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

Section 2. That subdivision (B) of §131.06 of the municipal code be amended by repealing subdivision (B) and replacing it with a new subdivision, to be styled as (B), which shall read as follows:

(B) *General Regulations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Building Inspector, the Associate Inspectors, the officers of the Highland Police Department, the Public Works Director, the General Supervisor of Public Works or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§94.03	Various Nuisance violations	\$40
§94.20	Weed violations (per day)	\$50
§96.04	Fireworks: Discharging unapproved fireworks as defined by IC 22-11-14 et seq. and Chapter 96 of the municipal code	\$100
§112.20 et seq.	Amusement license violations (per machine)	\$60
§114.01 et seq.	Peddler and Solicitors violations	\$60

§119.01 et seq.	Controlled Event violations	\$50
§ 130.04	Skateboarding prohibited	\$45
§ 170.03	Unlawful origin of solid waste	\$50
§ 170.04	Littering	\$50
§ 170.05	Open burning of garbage or rubbish	\$75
§ 170.06 (E)	Trash collection/ pilfering violations	\$40
§ 170.06 (F)	Unauthorized collection of recyclables	\$40
§170.14	Abandoned refrigerators and appliances	\$75
§171.10 (B)	Sewage Disposal violations	\$75
§172.03	Bus bench violations	\$25
§172.38	Road cut violations	\$100

Section 3. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication as prescribed in IC 36-5-2-10(b).

Introduced and Filed on the 24th day of November 2008. Consideration on same day or at same meeting of introduction, experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 24th Day of November 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported that the Christmas Parade would take place on 10:am November 29, 2008. He further noted that the Lighting of the Decorations at Main Square Park would take place at 6:00 p.m. on December 1, 2008.

Councilor Herak further reported that the Kennedy Avenue Reconstruction Project would begin on December 8, 2008;

- **Councilor Dan Vassar:** *Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.*

Councilor Vassar commended the Public Works Director and the Board of Sanitary Commissioners on the aggressive plan for dealing with the flooding issues in Town it presented at a recent meeting.

- **Councilor Brian Novak:** *Waterworks Board Liaison • Fire Personnel Committee • Lake County Solid Waste Management District Board of Directors • Insurance committee, member.*

Councilor Novak noted the recent discussion regarding the acquisition of the Brush Truck for the Fire Department from a South Carolina municipal department.

Councilor Novak also reported that the Lake County Solid Waste Management District had selected the Power ONE company for a 20 year contract to convert trash into ethanol.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper noted that three new police cars were recently purchased.

- **Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President expressed his pleasure with the Lincoln Community Center and the Flood response projects moving forward.

Comments from the Public

1. Vern Seib, 3024 Lakeside Drive, Highland, expressed his concern about the adequacy of the approaches reflected in the recent presentation by the Board of Sanitary Commissioners to address the flooding issues in the town. He raised questions about the causes that would lead to the spiking of the daily treatment volume that the Town has with the Hammond Sanitary District at 7 million gallons per day rising to as much as 15 million gallons during storm events.
2. Joe Bartok, 9324 Spring Creek Drive, Highland, commended the Town Council on its adoption of the LAMAR agreement.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period November 11, 2008 through to November 24, 2008. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$235,728.88; Motor Vehicle Highway and Street (MVH) Fund, \$40,417.27; Federal Forfeit and Seized Assets Fund, \$299.99; Law Enforcement Continuing Education, Training and Supply Fund, \$504.91; Gasoline Fund, \$17,470.00; Information Communications Technology Fund, \$7,592.83; Civil Donation Fund, \$1,000.00; Special Events Fund, \$121.95; Building Acquisition Project Fund, \$850; Municipal Cumulative Capital Development Fund, \$5,523.50; Traffic Violations Agency Fund, \$3,289.50; Safe Neighborhood Grant Fund, \$1,615.38; Total: \$314,414.21.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Novak seconded. Upon a vote, *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, November 24, 2008 was adjourned at 7:50 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer